S.B. Civil Misc. Appeal No.1467/99
Arun Kumar Khandelwal Vs. Gopal Lal & Anr.

Date of Judgment : 26/04/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. K.N. Tiwari, for appellant
Mr. Sanjay Joshi, for respondents

Instant appeal has been filed by the claimant for enhancement of compensation awarded by the Motor Accident Claims Tribunal, Jaipur vide award dt.30th June, 1999.

The appellant-claimant, while driving his own Scooter No.RPH 5150, met with an accident with the offending vehicle i.e. Tractor No.UTW 974, on 25th December, 1989 and because of said injury, he was hospitalized for four months. But, there is no material on record to show any nature of disability caused to the claimant on account of accident which took place on 25th December, 1989 and the learned Tribunal has assessed his income on the basis of material of Rs.2,000/- per month and finally awarded Rs.34,400/- out of which, Rs.7,000/- was for injury, Rs.10,000/- for pain & suffering, Rs.4,400/- for medicine, Rs.8,000/- for loss of income, Rs.2,000/- towards transportation & Rs.3,000/- for nourishment diet.

At the very outset, I may clarify that since the offending vehicle was not insured, the liability as ordered by Tribunal has already been meted out by the owner of the offending vehicle.

Counsel submits that this fact remain undisputed that the claimant remained in hospital for four months certainly will show that he has sustained severe injuries from the alleged accident which took place on 25th December, 1989.

In my opinion, no inference can be drawn in the absence of any material on record with regard to nature of injury as referred to by the counsel for appellant and looking to the overall material available, the Tribunal has awarded just and reasonable compensation of Rs.34,400/- which does not call for any interference.

I find no force in the appeal, the same is, accordingly, dismissed.

[Ajay Rastogi],J.

FRB